

## **DRAFT / SAMPLE City of Cambridge Department of Public Works Tree Protection Ordinance Regulations**

The City of Cambridge Commissioner for Public Works ("The Commissioner") hereby adopts the following Tree Ordinance Regulations pursuant to the Tree Protection Ordinance, Title 8, Chapter 8.66 of the Cambridge Municipal Code, (the "Ordinance"), relating to the removal of a significant tree, as that term is defined in the Ordinance (a "Significant Tree"), that is not subject to the provisions of Sections 8.66.040 or 8.66.050 of the Ordinance.

### **1. Removal of Dead or Dangerous Tree**

In accordance with Section 8.66.055, in order to procure a permit from the City Arborist to remove a Significant Tree that is dead or dangerous (the "Tree"), the following will be required:

- a. A completed Tree Removal Permit Application Form.
- b. A completed Level 2 International Society of Arboriculture ("ISA") Tree Risk Assessment related to the Tree provided by a Certified Arborist.
- c. A signed Certification from a Certified Arborist using the attached Form A.
- d. Photographs of the Significant Tree, including photographs of its silhouette, its DBH measurement as stipulated in the Ordinance, and the area of the Tree where the dead or dangerous area(s) can be observed.
- e. Signed approval of the permit from the Commissioner of Public Works and the City Arborist approving the removal of the Significant Tree.

### **2. Removal of Significant Tree in Emergency Circumstances**

In accordance with Section 8.66.055 to procure a permit from the City Arborist to remove a Significant Tree in an emergency circumstance the following will be required:

- a. Type 1 Emergency Circumstance.
  - i. A completed Tree Removal Permit Application Form.
  - ii. A detailed narrative of the emergency circumstance requiring the removal of the Significant Tree as it relates to public health, safety or welfare, signed by the owner of the property.
  - iii. If required by the Commissioner of Public Works, a completed Level 2 ISA Tree Risk Assessment provided by a Certified Arborist.
  - iv. If required by the Commissioner of Public Works, a signed Certification from a Certified Arborist using the attached Form A.
  - v. Photographs of the Significant Tree including photographs of the Tree's silhouette and the Tree's DBH measurement as stipulated in the Ordinance.
  - vi. Signed approval of the permit from the Commissioner of Public Works and the City Arborist approving the removal of the Significant Tree.
- b. Type 2 Emergency Circumstance Where Permit Not Obtained Prior to Removal.
  - i. A completed Tree Removal Permit Application form submitted within 24 hours or on the next business day after the Significant Tree is removed.

- ii. A detailed narrative of the emergency circumstance demonstrating why an imminent threat to safety existed required the Significant Tree to be removed immediately. (Example: a large branch from a Significant Tree falls on or adjacent to a building or vehicle or other hazardous location and it is discovered that the Significant Tree is dangerous and poses an imminent threat to public health, safety or welfare), and why the City Arborist was not available (Example: non-working hours).
- iii. A completed Level 2 ISA Tree Risk Assessment provided by a Certified Arborist.
- iv. A signed letter from a Certified Arborist using the attached Form A.
- v. Photographs of the Significant Tree that has been removed, including if possible its silhouette and its DBH measurement as stipulated in the Ordinance.
- vi. Signed approval of the permit from the Commissioner of Public Works and the City Arborist approving the removal of the Significant Tree.

### 3. Significant Utility Infrastructure projects

- a. A completed Tree Removal Permit Application Form.
- b. A detailed report indicating the nature of the utility infrastructure project and the State or Federal regulation(s) or program(s) pursuant to which the project is being undertaken provided by the City Engineer.
- c. If required by the Commissioner of Public Works, A completed Level 2 ISA Tree Risk Assessment provided by a Certified Arborist.
- d. If required by the Commissioner of Public Works, A signed Certification from a Certified Arborist using the attached Form A.
- e. Photographs of the Significant Tree including photographs of its silhouette and its DBH measurement as stipulated in the Ordinance.
- f. Signed approval of the permit from the Commissioner of Public Works and the City Arborist approving the removal of the Significant Tree.

### 4. City Park Projects where it is proposed to remove Significant Trees

- a. A completed Tree Removal Permit Application Form.
- b. A detailed narrative indicating the nature of the Park Project and the community engagement that has been held or is proposed to be held.
- c. Tree Mitigation Plan identifying number of substitute trees to be planted to replace Significant Trees being removed.
- d. If required by the Commissioner of Public Works, A completed Level 2 ISA Tree Risk Assessment provided by a Certified Arborist.
- e. If required by the Commissioner of Public Works, a signed Certification from a Certified Arborist using the attached Form A.
- f. Photographs of the Significant Tree including photographs of its silhouette and its DBH measurement as stipulated in the Ordinance.
- g. Signed approval of the permit from the Commissioner of Public Works and the City Arborist approving the removal of the Significant Tree.

### 5. The removal of certain Significant Trees when considered beneficial to the health of the tree canopy

- a. completed Tree Removal Permit Application Form.

- b. A detailed and substantive narrative from a Certified Arborist explaining what Significant Trees are to be removed and why the removal of these Significant Trees is beneficial to the health of the tree canopy on the property.
- c. Photographs of the Significant Tree proposed for removal including photographs of its silhouette and its DBH measurement as stipulated in the Ordinance.
- d. Photographs of the other Significant trees showing, the interrelationships between the Tree to be removed and the other Significant Trees and the canopy cover.
- e. A signed Certification from a Certified Arborist using the attached Form B.
- f. Signed approval of the permit from the Commissioner of Public Works and the City Arborist approving the removal of the Significant Tree.

#### 6. The Tree Removal Replacement Fund Schedule.

In accordance with Section 8.66.055, in order to procure a permit from the City Arborist to remove a Significant Tree the following payment amounts will be required and will be paid to the City of Cambridge and deposited into the Tree Replacement Fund as established by 8.66.070:

a. For those who qualify for the City's Residential Real Property Tax Exemptions, 10% of the replacement cost will be paid to the City, in accordance with the current rate used in the City of Cambridge Tree Planting Contracts for purchasing, planting, watering and maintaining the replacement trees for a period of not less than five years. The City's Residential Real Property Tax Exemption status must be current and will be verified by the City of Cambridge Assessing Department

b. For property owners who receive established forms of financial assistance including the following, 0% of the replacement cost will be paid to the City:

- MassHealth Basic or Standard (Medicaid)
- Food Stamps (SNAP)
- Supplemental Security Income (SSI)
- Social Security Disability Income (SSDI)
- Fuel Assistance (LIHEAP)
- Free and Reduced School Lunch or Breakfast Program
- Transitional Aid to Families with Dependent Children (TAFDC)
- Veterans Benefits
- Women, Infants and Children (WIC) Supplemental Nutrition Program.

Financial assistance eligibility must be current and identification forms and other official documents establishing receipt of financial assistance will be required and will be verified by the City.

c. For all others, full replacement cost will be paid to the City, in accordance with the current rate used in the City of Cambridge Tree Planting Contracts for purchasing, planting, watering and maintaining the replacement trees for a period of not less than five years.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Owen O'Riordan

Commissioner of Public Works